

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ANTHONY ROSHON ROBERTS, SR.,)
)
)
Plaintiff,)
)
vs.) Case No. CIV-11-143-M
)
JUSTIN JONES, Director of Oklahoma)
Dept. of Corrections, in his personal)
and official capacities,)
JOSEPH TAYLOR, Warden of Cimarron)
Correctional Facility, in his personal and)
official capacities, and)
KIMBERLY LEATHERWOOD, Mailroom)
Clerk, in her personal and official)
capacities,)
)
Defendants.)

ORDER

On February 29, 2012, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation: Dispositive Motion by Defendant Justin Jones. The Magistrate Judge recommended that the Court grant defendant Jones' motion to dismiss on the personal capacity claims and that the Court deny defendant Jones' dispositive motion on the official capacity claims for an injunction. The parties were advised of their right to object to the Report and Recommendation by March 19, 2012. On March 20, 2012, plaintiff filed his objection.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation: Dispositive Motion by Defendant Justin Jones issued by the Magistrate Judge on February 29, 2012, and
- (2) GRANTS IN PART and DENIES IN PART defendant Justin Jones' motion to dismiss [docket no. 78] as follows:
 - (a) The Court GRANTS the motion to dismiss as to plaintiff's claims against defendant Justin Jones in his personal capacity and DISMISSES said claims, and

- (b) The Court DENIES the motion to dismiss as to plaintiff's claims against defendant Justin Jones in his official capacity for an injunction.

IT IS SO ORDERED this 30th day of March, 2012.



VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE